

11-29-05
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PCT #4

AP10 Rec'd PCT/PTO 28 NOV 2005

November 25, 2005

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

Re: U.S. National Phase Patent Application
Serial No: 10/526,942 Filed: March 8, 2005
Based upon: PCT/US04/040409 Filed December 2, 2004
For: URINARY TRANSFER SYSTEM AND ASSOCIATED
METHOD OF USE
Inventors: Larry Baker and Warren L. Spielman

28 DEC 2005

Legal Staff
International Division

The subject Patent Application contains certain aspects of the invention which have been provided by me as 50% co-inventor. Such aspects were restricted and prohibited from inclusion in the Application without compensation therefor. Notice of such condition was made prominently evident on the Engineering Drawings covering such aspects and the Parts List all of which were prepared by me and furnished to the Applicant and Patent Attorney substantially before the Patent Application was initiated. The requirement of compensation was further confirmed in numerous facsimiles and correspondence.

The inventive aspects provided by me which have been included in the Patent Application are listed by Page and Line number, along with a partial quotation from the Application, and appear in a separate section of this correspondence. The requirement of compensation has not been met, hence the Patent Application is in violation of the written stipulations.

The Patent Attorney has provided me with a Patent Assignment Agreement which stipulates that "considerations to Assignor paid by said Assignee, receipt of which is hereby acknowledged". I have not signed and cannot sign such an agreement since no consideration has been paid and all requests for such payment have been ignored.

It would appear that in consideration of the illegal inclusion of certain aspects of the invention which have been provided by me and the evasion of the just compensation therefor that a request for stay of the Patent Application process would be in order until these conditions can be resolved and thus avoid further legal complications.

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It is believed that without my contributions to the device the basic idea presented to me for product design would not have been deemed an invention and probably not patentable. The original idea was only a combination of commercially available products viz: a personal urinal with a tubing loosely entering the frontal opening thereof, a gas can (as a reservoir) and a shop vacuum. It is difficult to conceive how this collection could be deemed an invention worthy of patentability since it is not recognizable as unique, creative, original, unexpected or unprecedented or characterized by a degree of skill or ingenuity and does not embrace the concept of nonobviousness. Further the limited patent search, furnished to me, depicted the same basic concepts of the original design in many of the prior patents.

Although I am not a patent attorney, I do have some knowledge of the inventive and patenting process through pursuit of patenting of several of my prior inventions. I am an Electrical/Mechanical Engineer (Registered Professional Engineer for over 50 years) who wholly owned two corporations and did not only the primary management but the actual design for products I would conceive, often patent, then tool, manufacture and sell through our own sales organization of 32 manufacturerers representatives.

Beyond the enhancements for which I am claiming compensation, I have provided unusual product design features in a unique practical enclosure with unique legs, power-on indicator light, accessible line fuse, quick connect and disconnect tubing fittings and internal components as well as enclosure components readily available which facilitate prototype and initial production without the need of costly tooling. It is felt that all of these also contribute to the patentability of the total device. There are 24 specific references to these features in the Patent Application.

It is realized that it would have been preferable for a qualified attorney to present my case, but I have to live on Social Security only and have no other income or assets and therefore cannot afford legal representation. Clarification of my tragic financial condition causing my inability to afford legal representation may be in order. Although my past business ventures, involving the previous inventions were successful, a devastating fire caused a change in pursuit to two marine related businesses which encountered the horrendous Mississippi floods of 1993 and 1995 from which recovery became impossible and I eventually lost every thing.

To summarize, I am desirous of requesting a stay in the granting of approval of the subject Patent Application until the required compensation from the Assignee to the Assignor is arranged and met.

Warren L. Spielman

Warren L. Spielman

INVENTIVE ASPECTS PROVIDED BY WARREN L. SPIELMAN
AS PARTICULARIZED IN SUBJECT PATENT APPLICATION

Page 2, Lines 18 through 20: "This urinary transfer system further includes a retainer such as --- a channel member that is removedly associated with the urinal."

Page 5, Line 4: Fig. 1 shows Urinal Retaining Member.

Page 5, Line 7: Fig. 2 shows Urinal Syphon Tube

Page 6, Lines 2 through 4: "means 18 may be provided for fixing or retaining the urinal 10 in positional relationship relative to a person for its use."

Page 7, Line 8: "liquid pickup device --- for facilitating removal of urine"

Page 7, Lines 15 through 20: "The hose barb 27 and the street ell may be secured to an end wall 29 of the urinal 10 and sealed thereto. etc.

Page 8, Lines 1 through 14: "A siphon tube 31 ---"

"An important advantage of the siphon tube 31 is that in the event of an accidental or inadvertent disconnection of the first conduit 14 from the hose barb 27 will not result in a copious discharge of urine ---"

Page 8, Lines 22 & 23: "The means 18 includes a securement device which may be provided for fixing the urinal in position relative to the user"

Page 9, Lines 21 through 24 and Page 10, Lines 1 through 7

Fig. 1 shows an alternative embodiment of fixing means 18. This embodiment includes a device 50 which, as shown, is referred to as a hat section. ---- The size and shape of the channel 58 ---- is such as to receive therein a portion of the urinal 10 device. The bight section 56 and extending wings 52 hold the urinal 10 down while the legs 54 prevent lateral movement of the urinal 10 ----

Page 14, Lines 20 & 21: "a suitable timer circuit 129---"

Page 15, Lines 2 & 3: "the siphon tube 31 of the pick-up device 21---"

Page 18, Lines 4 through 6: "a pickup with an inlet portion mounted to the urinal having the outlet portion positioned normally above the inlet portion ---"

Page 19, Lines 1 through 3: "wherein the control device including a timer operable after a predetermined time ---"

Page 20, Lines 8 through 12: " the connector is connected in liquid relationship to a siphon tube ---"

Page 20, Lines 14 through 16: "wherein the connector includes components selected from the group consisting of an ell, a hose barb and a quick disconnect type connector."

Page 20, Lines 18 through 20: " including a retainer operatively associated with the urinal for selectively fixing the urinal in position relative to a user."

Page 21, Lines 1 through 5: "the retainer includes a hold down including a generally u-shaped member forming a channel for receiving the urinal therein and a hold down member connected to the u-shaped member and projecting outwardly therefrom and adapted to be placed under a user's leg."

Page 22, Lines 20 through 25: "so that the urine passes into a pickup with an inlet portion and an outlet portion mounted to the urinal having the outlet portion positioned normally above the inlet portion ---"

Page 23, Lines 13 through 15: "further utilizing a timer to deactivate the drive device if the drive device is not activated otherwise prior to a preset time interval of running"

Sheet 1, Figure 1: "means 18 for holding the urinal in fixed position." "This embodiment includes a device 50 which, as shown, is referred to as a hat section. It includes a pair of oppositely extending wings 52 to which are connected and extending upwardly therefrom two legs 54 which which are connected by an intermediate bight section 56. ---"

Sheet 2 Figure 2: "the urinal 10 further includes a liquid pickup device 25 ---. the pickup 25 includes a device 26 for connecting to the first conduit 14. --- The hose barb 27 is mounted to the urinal 10 through a street ell 28 through appropriate fittings. The hose barb 27 and the street ell 28 may be secured to an end wall 29 of the urinal 10 and sealed thereto. To reinforce the connection, washers 30 may be provided ---. As an alternative, throughout this patent application, quick disconnect fittings --- can be utilized instead of hose barbs 27."

ENHANCEMENTS TO THE U.T.S. PROJECT

OFFERED BY WARREN L. SPIELMAN

NOT PRESENTLY COMPENSATED

- 1) I designed the personal male urinal outlet to be located at the rear and close to the top preventing spillage when the suction tube is disconnected. This is opposed to the cumbersome "in the way" of the tube entering the mouth of the urinal which also would be difficult to obtain removal of the contents with no means of holding the tube near the bottom; plus the tube could become dislodged from the urinal completely. The internal, permanently mounted siphon tube I offer overcomes all of the obvious foregoing problems.
- 2) I designed the device for holding the urinal in place, in the proper orientation. As originally presented there was to be a weight on top of the urinal held in place by Velcro which was impractical since it would increase the probability of tipping over, spilling the contents. Also Velcro in this location would be impossible to clean and sanitize because of the rough, irregular surface. I designed a member (typically referred to as a "hat section") which passes under each leg of the patient and over the top of the urinal under the handle thereof providing complete stability and retention in place.
- 3) A third enhancement is to provide shut-off of the device if the patient fails to so do. This is very important, and although the patient has an off button on the wireless remote control, he may not remember (or through other unavoidable conditions) to shut off the device with the control and an attendant may not come into presence for an extended period.

Note: All of the above enhancements not only enhance the desirability of the product and thus the sales potential but doubtlessly substantially augment the patent application viability.

Warren L. Spielman will release the above for inclusion in the patent application and use in the product upon compensation arrangement and assurance.

AFFIDAVIT OF WARREN L. SPIELMAN

I, Warren L. Spielman, the undersigned affiant, being of legal age, do hereby declare that the statements made in my letter of November 25, 2005 to the Commissioner of Patents regarding the U.S. National Phase Patent Application Serial No. 10/526,942, are accurate and true to the best of my knowledge and belief.

Warren L. Spielman
Warren L. Spielman

State of Missouri
County of SAINT CHARLES

On NOVEMBER 28, 20 05, WARREN L. SPIELMAN personally came before me and, being duly sworn, did state that he or she is the person described in the above document and that he or she signed the above document in my presence.

Kimberly S. King
Signature of Notary Public

Notary Public, In and for the County of SAINT CHARLES
State of Missouri

My commission expires: 11-16-07

Notary Seal

KIMBERLY S. KING
Notary Public - Notary Seal
STATE OF MISSOURI
Saint Charles County
My Commission Expires: November 16, 2007